

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JAROY LINZY DAVIS,

Petitioner,

Case No. 04-CV-71309

HONORABLE PATRICK J. DUGGAN

v.

WARDEN ROMANOWSKI,

Respondent.

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**OPINION AND ORDER**  
**DENYING PETITIONER'S MOTION TO SHOW CAUSE**

On December 16, 2004, this Court denied Petitioner Jaroy Linzy Davis's *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This Court's judgment was entered on December 20, 2004. Petitioner mailed a notice of appeal to the Sixth Circuit Court of Appeals on January 21, 2005. The Sixth Circuit issued an order directing Petitioner to show cause why his appeal should not be dismissed for failure to sign the notice of appeal and on the basis of a late notice of appeal. On April 26, 2005, the Sixth Circuit dismissed Petitioner's appeal for lack of jurisdiction. This matter is presently before the Court on Petitioner's Motion to Show Cause, filed June 27, 2005.

In his Motion to Show Cause, Petitioner requests that the Court "treat his Notice of Appeal as timely filed on January 19, 2005 and allow him to pursue appellate review in the United States Sixth Circuit Court of Appeals." (Mot. at 4). This Court has no authority to determine the timeliness of documents filed in the Sixth Circuit Court of Appeals.

Accordingly,

**IT IS ORDERED** that Petitioner's Motion to Show Cause is **DENIED**.

DATE: July 7, 2005

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**s/PATRICK J. DUGGAN**  
UNITED STATES DISTRICT COURT

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